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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,278	05/08/2001	Thomas M. Rothwein	SBL0008US	3426
60975 7590 08/26/2008 CAMPBELL STEPHENSON LLP 11401 CENTURY OAKS TERRACE BLDG. H, SUITE 250 AUSTIN, TX 78758				
EXAMINER				
PHAM, KHANH B				
ART UNIT		PAPER NUMBER		
2166				
MAIL DATE		DELIVERY MODE		
08/26/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/851,278

**Applicant(s)**

ROTHWEIN ET AL.

**Examiner**

Khanh B. Pham

**Art Unit**

2166

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 56-58, 60-66, 68-74, 76-82 and 84-87 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-58, 60-66, 68-74, 76-82 and 84-87 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim 56-58, 60-66, 68-74, 76-82, 83-87** are rejected under 35 U.S.C. 102(e) as being anticipated by Brookler et al. (US 6,754,666 B1), hereinafter **"Brookler"**.

**As per claim 56**, Brookler teaches a method comprising:

- "associating an item with a class" at Col. 7 line 67;
- "wherein the class comprises associated attributes that describe members of the class" at Col. 7 line 66;
- "the associating comprises determining a class in a hierarchy" at Col. 13 lines 1-30 and Fig. 11;

"the determining is based on associated attributes necessary to describe the item" at Col. 13 lines 1-30;

- "the associated attributes are associated with the class in the hierarchy" at Col. 13 lines 1-30 and Fig. 11;

- “the associating the item comprises selecting the class such that each associated attribute has a non-null value in describing the item” at Col. 5 lines 1-12;
- “storing a first record associating the item with the selected class” at Col. 10 lines 4-12 and Figs. 4-10;
- “storing a second record associating the item with each associated attribute of the class and a value of the attribute describing the item” at Col. 10 lines 4-39 and Figs. 4-10.

**As per claim 57**, Brookler teaches the computer-implemented method of Claim 56 wherein “said selecting the class further comprises: selecting the class from the class hierarchy, wherein the class hierarchy comprises child classes and associated parent classes, and a child class inherits each attribute of the associated parent class” at Col. 8 lines 45-49.

**As per claim 58**, Brookler teaches the computer-implemented method of Claim 57, wherein “the associated attributes of a child class further comprise an additional set of attributes not inherited from the associated parent class” at Col. 11 lines 1-15.

**As per claim 60**, Brookler teaches the computer-implemented method of Claim 56, wherein “said storing the first record is to a first memory structure, and said storing the second record is to a second memory structure” at Figs. 4-10.

**As per claim 61**, Brookler teaches the computer-implemented method of Claim 60 wherein "the first and second memory structures are distinct from one another" at Figs. 4-10.

**As per claim 62**, Brookler teaches the computer-implemented method of Claim 60 wherein "the first and second memory structures are tables in a database" at Figs. 4-10.

**As per claim 63**, Brookler teaches the computer-implemented method of Claim 56 wherein "the associated attributes are metadata of the class" at Col. 8 lines 10-30.

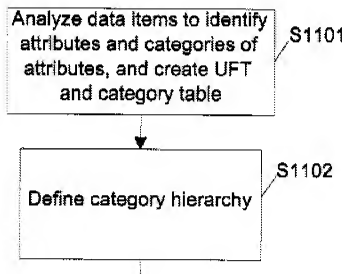
**Claims 64-66, 68-74, 76-82, 83-87** are directed to apparatus, system and computer storage medium for performing similar method as in claims 56-58, 60-63 and are therefore rejected by the same reasons.

### ***Response to Arguments***

Applicant's arguments filed 6/19/2008 have been fully considered but they are not persuasive. The examiner respectfully traverses applicant's arguments.

Regarding claim 56, applicant argued that Brookler does not teach "the associating comprises determining a class in a hierarchy, the determining is based on associated attributes necessary to describe the item, the associated attributes are associated with the class in the hierarchy". On the contrary, Brookler clearly teaches at

Col. 13, lines 1-30 and Fig. 11 the step of identifying categories of a data items based on "the data items and their associated attributes". A relevant portion of Fig. 11 is reproduced below:



In light of the foregoing arguments, the 35 U.S.C 102 rejection is hereby sustained.

### ***Conclusion***

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed

by the Examiner.

In the case of amending the Claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is **(571) 272-3574** for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 22, 2008

/Khanh B. Pham/  
Primary Examiner  
Art Unit 2166